

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

|   |   |                                |
|---|---|--------------------------------|
| <b>MATTHEW A. DAVIS,</b>                    | ) |                                |
|   | ) |                                |
| <b>Plaintiff,</b>                           | ) |                                |
|   | ) |                                |
| <b>vs.</b>                                  | ) | <b>CIVIL NO. 08-cv-206-MJR</b> |
|   | ) |                                |
| <b>WARDEN DONALD HULICK, <i>et al.</i>,</b> | ) |                                |
|   | ) |                                |
| <b>Defendants.</b>                          | ) |                                |

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

This matter is before the Court on Plaintiff's motion for reconsideration (leave to amend complaint) (Doc. 6). In his motion, Plaintiff asks that this Court reconsider a Memorandum and Order dismissing Plaintiff's Equal Protection claim against Defendant Hulick. In the instant motion, Plaintiff states that he believes he may be able to re-plead his claim against Defendant Hulick in order to state a viable Equal Protection claim.

Plaintiff offers no argument indicating that the Court's prior Memorandum and Order dismissing his Equal Protection claim was in error. Therefore, Plaintiff's motion to reconsider the dismissal of his Equal Protection claim is **DENIED**.

With respect to amending the complaint, the Court notes that Plaintiff may amend his complaint in accordance with Federal Rule 15 of the Federal Rules of Civil Procedure.

However, Local Rule 15.1 provides that:

The original of a proposed amendment to a pleading or amended pleading itself should accompany the motion to amend so that it may be filed *instanter* if the motion is granted. All new material in an amended pleading should be underlined. It is sufficient to

simply underline the names of new parties the first place they appear in amended pleadings. Similarly, when new claims or defenses are raised by an amendment, it is sufficient that the number of the designated count or paragraph identifying the amendment be underlined.

Because Plaintiff has not submitted a proposed amended complaint at all, his motion to amend the complaint fails to comply with Local Rule 15.1. Therefore, the instant motion to amend the complaint will be **DENIED**, without prejudice. If Plaintiff files another motion to amend complaint, then it is referred to the magistrate judge as provided in this Court's prior Memorandum and Order (Doc. 5).

**IT IS SO ORDERED.**

**DATED this 23rd day of December, 2008.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**